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March 7, 2014

BY E-FILE

The Honorable Gregory M. Sleet
Chief Judge
United States District Court
for the District of Delaware
U.S. Courthouse
844 King Street
Wilmington, DE 19801

Re: Bonutti Skeletal Innovations LLC v. Zimmer Holdings, Inc., *et al.*
D. Del., C.A. No. 12-1107-GMS
Bonutti Skeletal Innovations LLC v. ConforMIS, Inc.,
D. Del., C.A. No. 12-1109-GMS
Bonutti Skeletal Innovations LLC v. Wright Medical Group, Inc., *et al.*,
D. Del., C.A. No. 12-1110-GMS

Dear Chief Judge Sleet:

Plaintiff, Bonutti Skeletal Innovations, Inc. ("Bonutti Skeletal"), writes in regard to the *inter partes* review ("IPR") petitions filed by third-party Smith & Nephew, Inc. Defendants in the above captioned actions, Zimmer Holdings, Inc. ("Zimmer"), ConforMIS, Inc. ("ConforMIS"), and Wright Medical Group ("Wright"), have filed a joint motion to stay pending that IPR. *Bonutti Skeletal Innovations LLC v. Zimmer Holdings, Inc.*, C.A. No. 12-1107 (GMS), D.I. 35; *Bonutti Skeletal Innovations LLC v. ConforMIS, Inc.*, C.A. No. 12-cv-1109 (GMS), D.I. 42; *Bonutti Skeletal Innovations LLC v. Wright Medical Grp.*, C.A. No. 12-1110 (GMS), D.I. 33.

Pursuant to Local Rule 7.1.2(b), I write to inform the Court that on February 28, 2014, the USPTO denied Smith & Nephew's IPR petition for review of claim 13 of U.S. Patent No. 7,806,896 (the "'896 patent") and granted Smith & Nephew's IPR petition for review of claim 1 of the '896 patent. A copy of the decision denying and granting in part Smith & Nephew's IPR petition with respect to the '896 patent is attached hereto as Exhibit A (the "'896 Decision"). The USPTO "concluded that Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertion that claim 13 of the '896 patent is unpatentable." ('896 Decision at 27.) The USPTO stated: "[a]t this stage of the proceeding, we have not made a final determination on the patentability of claim 1." (*Id.*) Bonutti Skeletal currently asserts the '896 patent against each of Zimmer, ConforMIS, and Wright.

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Additionally, on February 26, 2014, the USPTO granted Smith & Nephew's IPR petition for review of claim 23 of U.S. Patent No. 7,749,229 (the "'9229 patent"). A copy of the decision granting Smith & Nephew's IPR petition with respect to the '896 patent is attached hereto as Exhibit B (the "'9229 Decision"). The USPTO stated: "we have not made a final determination on the patentability of the challenged claim." ('9229 Decision at 22.) Bonutti Skeletal currently asserts the '9229 patent against only Zimmer.

Respectfully,

/s/ Philip A. Rovner

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PAR/mes/1141947

cc: All counsel of record – by CM/ECF and E-mail